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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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| TYLER HAVEARD,<br><br>Plaintiff,<br><br>v.<br><br>SANTANDER CONSUMER USA, INC.,<br><br>Defendant. | <b>COMPLAINT</b><br><br><b>2:19-cv-00427-DBP</b><br><br><br><br><b>JURY TRIAL DEMANDED</b> |
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**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (hereinafter "TCPA").

**II. JURISDICTION**

2. Plaintiff's claims for violations of the TCPA arise under 15 U.S.C. § 1692k(d), and 47 U.S.C. § 227, respectively, and therefore involves a "federal question" pursuant to 28 U.S.C. § 1331.

### **III. PARTIES**

3. Plaintiff, Tyler Haveard (“Plaintiff”), is a natural person residing in Duchesne County, Utah.

4. Defendant, Santander Consumer USA, Inc. (“Defendant”), is a foreign corporation.

### **IV. FACTUAL ALLEGATIONS**

5. On information and belief, all calls made to Plaintiff’s telephone by Defendant were made using an “automatic telephone dialing system” or “pre-recorded voice” as that term is defined in 47 U.S.C. § 227(a)(1).

6. Plaintiff believes Defendant used an “automatic telephone dialing system” because when picking up the phone, there is a delay before Plaintiff is able to speak to anyone. On information and belief, Defendant is a large corporation that places thousands of such calls per month, and it would be unrealistic for such calls to be manually placed.

7. Within the last 2 years, Defendant’s conduct violated the TCPA as follows:

8. Within the last year, Defendant intentionally used an automatic telephone dialing system to place multiple calls to Plaintiff’s cellular telephone without the prior express consent of Plaintiff.

9. To the extent Defendant’s actions, detailed above, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

**COUNT I: VIOLATION OF TELEPHONE CONSUMER PROTECTION ACT**

10. A Plaintiff reincorporates by reference all of the preceding paragraphs.

11. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendant for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the TCPA;
- B. Actual damages or \$500 for each violation, whichever is greater, pursuant to 47 U.S.C. § 227(b)(3)(A)
- C. An award of three times the amount for which Defendant is found liable in paragraph "B," above, if it is found that Defendant willfully or knowingly violated 47 U.S.C. § 227(b).
- D. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 20<sup>th</sup> day of June, 2019.

**TRIGSTED LAW GROUP, P.C.**

s/Joshua Trigsted  
Joshua Trigsted  
*Attorney for the Plaintiff*